

Charter Commission Minutes - March 27, 2017

Called to order at 5:38 pm at the Police Station Community Room. Members Present: Julia Rueschemeyer, Gerry Weiss, Mandi Jo Hanneke, Andy Churchill, Nick Grabbe, Diana Stein, Meg Gage, Tom Fricke, Irv Rhodes (via remote voice participation); Public: Walter Wolnik, Adrienne Terrizzi, Maurianne Adams (later), Peter Demling (later), Jennifer Page (later)

Churchill announced Irv Rhodes' presence via remote voice participation by reason of geographic distance. Churchill reviewed the agenda and it was decided that 4 members would split minute-taking duties: Hanneke, Fricke, Weiss, Gage.

Minutes were approved (8-0-1 (Gage)) with prior changes, and one change to Parker's name in the section on attendees. There was no public comment at this point in the agenda.

Feedback Session Planning. Churchill described goal to streamline introduction, use the same handouts as at the last feedback session, and the plan for the audience to place dots (5-10 per person) on the components of the charter each would like to discuss. Gage asked to take off the mention of "term limits" on the handout, since the Commission hasn't discussed it. Churchill and Grabbe stated they would like to hear what people think. Stein indicated there were too many choices on the handout. Hanneke and Stein proposed some streamlining of the topics. Churchill indicated he planned to walk through the proposal. Rueschemeyer said that the walk-through should only take 10 minutes, because people can read it. Churchill then asked if we needed to have people vote. The Commission decided it was best to just take comments and not take up time with voting on topics with dots. Grabbe suggested adding "could" to the line about mayor chairing the school committee. Stein mentioned that she liked the whole group being together, not being split into smaller groups. The less extensive the initial explanation the better; we want to hear from them. Hanneke did want to hand out the feedback form. Gage wondered if we should get rid of the "introduction" side of the handout, but the commission liked it and thought it could provide context.

Gage asked about advertising, and Hanneke explained what had been done. Hanneke and Gage will work together to send emails for the next sessions. Hanneke proposed seeing if the Commission could get time on the election night coverage. The Commission will have a quorum at the next two sessions, so they will get posted as meetings.

Schedule/Timeline Planning. The Commission agreed to move the schedule/timeline planning item up in the agenda. Hanneke explained the upcoming deadlines, including that our draft proposal likely has to go to the printer (Amherst Bulletin) 3 weeks before the August 3rd publication of it. She suggested the Commission add a meeting on April 24th, 5:30-9:30, in hopes of avoiding the May Saturday meetings that are currently scheduled. The Commission agreed.

Hanneke also suggested that the Commission schedule the required public hearing for August now, so that the Commissioners can put it on their calendars. By state law, it must be held within 4 weeks of the publishing of the draft charter. With an August 3rd publication date, the hearing must be held by August 31st. The Commission agreed to set up a doodle poll and set the date at the April 6th meeting.

Discussion of Charter Articles. Gage introduced her "Hybrid Proposal #2" for a 60-person council. She believes it meets the goals of efficiency and greater public representation. Rhodes mentioned an idea of a "bicameral" body – 1 large legislative council and 1 small executive council, saying a thirteen-person council is small to guarantee a diversity of opinions. Gage said that many of the commissioners have "stepped beyond the mandate of the people who voted for us". Gage stated there was no agreement at this time by the minority members on a mayor vs. manager for the head executive, so the hybrid proposal doesn't get into that. Gage personally thinks that a weak mayor/strong manager could gain consensus.

Rueschemeyer stated that the point of this proposal was to get something that all 9 commissioners can then work on together and send to the voters together.

The discussion was paused at 6:30 to welcome the Amherst School Committee Members and the Interim Superintendent to the meeting (which Appy called to order for the ASC).

Discussion with school representatives. Katherine Appy, Eric Nakajima, Phoebe Hazzard, Anastasia Ordonez, Vira Douangmany Cage and interim superintendent Mike Morris joined the meeting.

Churchill introduces the School Committee members to the issues we are discussing and the possible impact of the current recommendations on School Committee operations, with invitation to share thoughts. Hanneke points out 2 other topics: Should the size of the School Committee change, and if it gets bigger, how would you allocate to regional committee? Questions about budgeting

Katherine Appy: likes the idea of mayor being on School Committee. Creates more back and forth between school and town. Would further guarantee good relationship and some cohesive focus of school committee and budget. In terms of size, a 9-member committee is large. And wouldn't want it to be smaller than 5. If a mayor came on she can imagine a 7-member committee. Imagines Amherst would appoint members to the Union 26 committee. In terms of the budget, the Town gives guidance re budget and then the School Committee creates budget.

Phoebe Hazzard: asks if the mayor is always chair. Answer: mayor can be voting member or non-voting member and can be chair or just a regular member. Hazzard feels role of chair is a really big job, working with lots of boards. Would be helpful to have mayor be the chair. Could be positive. It's a political decision now who is chair and having a mayor as chair would make it less political. More stable to have mayor as chair. Agrees with Appy it would be harder to find people for a larger committee, but opens seats for more voices.

Eric Nakajima: concern about mayor as chair, s/he would be so busy the school might not get as much attention as is needed. Has heard of places where mayor is chair but defers to vice chair to run committee. Having a connection with a mayor in relation to other committees that exist in town, if the mayor is doing a lot of those things with staff, you have to have mayor on the committee to guarantee those connections. Who is structurally responsible for the school and ultimately responsible for budget? Mayor can help build community's understanding of the value of the schools. Size side of it: if mayor were one of 5, would leave 4 elected, which would take away a seat from the public. But is 7 too big?

Anastasia Ordonez: Biggest concern leading the school committee is around time. Person who is also tasked with running the entire town, can't imagine a mayor having time to navigate all of it. If a mayor appointed as head of town governance, thinks needs as representative a school committee as possible. 2 different lines of communication would help bring balance, complement each other, tension between entities mayor and School Committee and would want a larger School Committee if mayor is on it which becomes problematic with more people to coordinate schedules. In terms of budgeting, need a better way of managing. Value of a budget process that involves more members of town governance who also provide input. But need to figure out how to get good budget in throughout the process and not just at the end.

Vira Douangmany Cage: key things to think about if we change the way people are hired: who hires the superintendent and supervises her/him? If mayor picks superintendent, do we want participation of people who are not appointed by mayor? Need to be accountable to constituents who elect them. Have to take our size into perspective, particularly the Amherst district. 1400 in K-6 and less than 1,000 in secondary school. When power in the hands of fewer people, participation may not be what it is now, we won't have such a robust community. Would like to see high level of participation continue. We need people with

more diverse backgrounds to be involved. Would like to see more partnerships among superintendent, town manager, school committee – more cohesion. She doesn't see any major issues.

Mike Morris: got in touch with a couple of people in other towns, one where the mayor is chair. It's nice because the chair (mayor) is less involved and so doesn't participate as much which allows others to speak more. Mayor is not as involved in details of discussion. Organizationally it's odd that there's no one from town government involved in the program that has the largest part of the budget. School budgets are complicated, variability of 2,700 students can change very quickly. Flip side is we do a lot of good work with the Town Manager. Not starting from a zero place. Having it more structured organizationally could have some benefits, could make things less dependent on Sean and Sonia getting along – which they do.

Mike Morris Suggestion: Would love to see whatever we do, push back the budget process, because school has to create budgets with only tea leaves, too early to be accurate and precise. Our budget comes up before House 1. Can be harmful to morale for staff to see numbers which may not be accurate. They get feedback that may be based on inaccurate information. Stressful.

Churchill: why is it so early? Morris: for Town Meeting warrant.

Nakajima: 2 things in terms of the structure of charter. School Finance Director works on budget and does regional budget. All regulations and reporting is so complicated, around special ed and other things, having someone at the school who is expert is really important. Lumping school finance together with municipal in the mayor's office, might not have enough understanding of the rules and reporting that are required. This could relate to how the votes on the budget are done. Some schools find out the hard way when they didn't know the regs in the law and how the money has to be used.

More important on political level: the budgets have to be completely credible to all towns. Leverett, Shutesbury and Pelham can't think we create our budgets only for Amherst. How to make sure lines of accountability are safe and clear and based on state regs.

Hanneke: clarification about which state budget process is key. Morris: end of February/beginning of March would be a lot better. Hanneke: explained Charter recommendation in terms of timing, April 1st from the Library etc. April 8th would be better.

Rueschemeyer: we've gotten feedback about high per-pupil cost and some large classes and children leaving the district: how would these be better addressed?

Mike Morris: per pupil cost: a couple of things drive that. Our classes are small (18.6 students) compared with other Western Mass schools (average size is more than 20)-secondary school is low 20's. Locally only own is lower. Churchill clarifies, our discussion is about government structure. When you raise per-pupil cost you get push-back. It's hard to explain why the costs go up because it's complicated. School Committee sees what goes into the cost per student, Giving the town a better sense of how it works would be good. Commission could think about communicating about the positive things going on. Perhaps Town could have more pride in our schools. Kudos to Tom!

Churchill: broader challenge of communicating to the town, we're thinking about once a year bringing town together to hear presentation about trends and opportunity to be grilled.

Nakajima: superintendent did good job explaining how a mayor could help advertise the accomplishments of the school. Also you might gain more credibility in the community if the mayor is grilling the school administration about costs. Someone to kick the tires who is equally responsible for all of the budgets.

Grabbe: concerned about how much time being chair takes. But example of someone who runs the meetings and vice chair assumes responsibilities. So would vice chair be the one who is communicating with the superintendent? Morris: Mayor needs to understand enough to be able to run meetings, but vice chair really knows what's happening. Grabbe: concerned that mayor doesn't have time. Appy: scheduling volunteers, lots of chair type things, the mayor couldn't do.

Cage: in Springfield, the attorney is always present dealing with special education. Went to poverty summit: superintendent from Brockton and others tried to address problem of children in schools who go back to neighborhoods, after school and in the summer, what do we do to meet all of their needs? Could have more access to those funds. In other districts non-profits come into schools to provide services.

Gage: mayor is a political position, in that role because s/he was elected. What if elected to cut taxes and brings no understanding of education? Would mayor be countered by others on the committee? Appy: If mayor conflicts with what the school committee wants s/he would be outvoted. At the end of every meeting there's an agenda review which can be a check and balance to a mayor who doesn't value education. Ordonez: healthy tension between school committee and mayor which could be good. School committee can't be a rubber stamp device for a government official.

Weiss: The Charter could fail and we would have the same problems. Is BCG a good example of coordination that we could create to increase communication? Appy: yes, it's a good example. There is tension, but it does create appreciation of other departments. Time when schools have returned money to the town because they understood there are a lot of other needs in town. If we stay with the current model, town meeting creates schedule.

Weiss: schedule of town meeting affecting the budget is a problem for all town departments.

Nakajima: has sat in on BCG and seen the coordination. Body of expertise they have built up across the teams. Different conversation if they had been invited to comment on the proposal under consideration, not to comment on all of the possibilities. Katherine stated it but it's really a question; would the school committee have semi-autonomy in the budget, or would the mayor have greater power? Trade-offs from one model of budget creation to the other.

Stein: concerned about not losing negotiation position in relation to other towns in the region. Mike Morris: Always a concern based on economies of scale, when we put out numbers they have to follow. Shouldn't have to mandate what other towns have to pay. Feels the negotiations need to be between elected volunteer school committee members, not the mayor. Otherwise could inflame tensions with smaller communities that don't have a mayor.

Appy: having mayor as chair should only be for the Amherst Committee and probably not on the regional committee.

Churchill: who take the lead in negotiations with other towns? Morris: Administration has played an oversized role but moving toward the Committee having leadership role.

Rueschemeyer: concern that because Amherst is 80% of region we don't have enough representation, if mayor isn't on joint committee wouldn't that weaken our role? Nakajima: Not seeing Amherst under-represented in negotiations. Having mayor on regional committee wouldn't necessarily give us more power. What is the relationship between Amherst and other towns, and between other elected officials and this mayor? If we decide the 'throw our weight around' could cause a problem in relationship with those towns.

Rhodes: concerned about how the communities would see our mayor, and how it all plays out. Not clear where we're going to come down. In terms of the budget, we are all hostage to House 1.

Cage: her presence here is not an endorsement of mayor system.

Hanneke: if we end up with a mayor as the chair of the town council, weak mayor, would you still recommend the mayor be on the school committee? If we have a manager, what would you think about a smaller committee? Appy: if mayor is the chair of the council doesn't make sense to have the mayor on the School Committee. It wouldn't feel as helpful. Would not see any need to enlarge the Committee.

Nakajima: agrees about the size of the committee. Depends on how we come down on question of mayor. Can't figure out how to have a strong political mayor and strong manager. Unless the intension is to create a truly weak mayor, he would not put the person on the committee. But if you want it s/he should be on the committee.

Rueschemeyer: if we'd had a mayor might that person have helped raise money for the schools? Mike: no, doesn't think so. Katherine: have met with President Martin and didn't work. It has been done and doesn't think a mayor would make a difference.

Discussion of Hybrid Proposal #2

Grabbe - Would like to find a compromise. Commend Gage for efforts. 60 person council is a nonstarter because it's too unwieldy - had been thinking that 13 was too big. Open to bicameral concept - perhaps a 60 member body of elders with some kind of power - willing to discuss

Hanneke - Even with subcommittees, wouldn't substantive deliberation by whole body - conversation and legwork would reduce participation to effectively same level as 13 member council. 60 is problematic deliberatively - look at the 9 of us and our challenges

Gage - Envision complex issues going to subcommittees for research and then a recommendation to the whole - live environmental subcommittee might do now - so not very different from concept of subcommittees in majority proposal. Challenge would be the culture of trust in subcommittees - the body of the whole would need to have some trust that subcommittees know what they're doing and that recommendations are trustworthy.

Hanneke - Majority proposal has just one standing subcommittee (Finance) and maintains citizen access to range of committees/boards that town currently has. Hundreds of citizens participate - so what's advantage of making council itself big?

Rueschemeyer/Gage - Well, council gets to vote.

Hanneke - Do our current committees/boards go away?

Gage - This proposal doesn't specify as yet - but it's a question we need to discuss and address with either proposal.

Rueschemeyer - Northampton council maintains many subcommittees.

Churchill - Four really. Council holding is not a full time job.

Gage - One meeting a month with time for subcommittees - it's just the way a lot of large bodies work - a standard model.

Weiss - Council subcommittees would work closely with existing committees/boards devoted to same issues.

Hanneke - So not envisioning replacing existing committee/board structure

Gage - Didn't really discuss that any more that we have discussed it regarding majority proposal - still to be developed.

Gage - On the question of executive - would be hard for any executive to deal with 60 people - mayor or manager.

Hanneke - Would you vote for this with a mayor?

Gage - Depends on how much professional management we layer in - don't want a manager tied to re-electing the mayor. Concerned about concentrating too many of managers functions in a mayor.

Rhodes - Is that just your concern or all 4 in minority?

Gage - Hybrid proposal doesn't include anything on mayor v manager.

Rueschemeyer - Point is, can 9 of us come to an agreement to explore hybrid?

Rhodes - Not 60, but maybe 13 member executive council over a 60 member body. Could see that without a mayor - almost like a Select Board/Town Meeting. All of executive council's decisions reviewed by legislative council. Could pull a nominal mayor out of executive council - like president of executive council. In essence, a shrunken Town Meeting with a larger Select Board.

Churchill - Seems incredibly unwieldy.

Rhodes - People in town really want design for more real participation than majority proposal for 13. We could work the kinks out of the role of a legislative council.

Grabbe - Would that be a legal model?

Churchill - Would be very hard to sell. Who's the constituency for big council? Neither Town Meeting supporters nor council/mayor supporters. Uncomfortable with an unwieldy middle ground.

Gage - Could reduce executive council to less than 13, but Irv is headed in a good direction.

Weiss - Agree - not 13 in executive council.

Churchill - Just back to Select Board and Town Manager then?

Weiss - But with advantages of city form - no warrant process

Grabbe - Could have a mayor with some substantial influence - look at Oxford, OH

Churchill - Does any town do this? Having assurance that model works somewhere will be an important part of selling it.

Hanneke - We've been trying to address problems and issues over the past months. Hybrid proposal doesn't address many of our goals - accountability would be scattered, leadership would be diffuse and confined by Open Meeting Law - what does this solve?

Rueschemeyer - We don't all agree on those priorities.

Gage - Hybrid does have benefits - more frequent meetings, freedom from warrant constraints, competitive elections, reduction in accountability/transparency challenge from 24 to 6 per precinct. And it's more inclusive than 1 per precinct.

Weiss - Suppose the chair of executive council is powerful - like the CT form. 50-60 member Town Meetings with 3-5 member Select Board and First Selectman as functional mayor.

Hanneke - I read 6-10 CT charters - it's just not the same model. Their Town Meetings have little deliberative role and limited voting functions. Can't really compare hybrid proposal to CT.

Weiss - Then we can just say that hybrid is better than CT model.

Grabbe - What if mayor is chair of executive council, executive council is the legislature and the 60 person body is like an appeals court?

Churchill - Like adding a judiciary to town government?

Hanneke - Like a standing body for citizen veto of council acts.

Churchill - We've really shifted to creative thinking in unexplored territory at a bad time in our process. It's almost April and we're discussing untested models - we'll have nowhere to get guidance and repeat mistakes of past commissions who tried to have a little of everything. I wouldn't be part of a consensus to move forward with such an unclear path. Our proposal to town needs to be clear and tested in practice somewhere. Without clear constituency, we're basically paving the way for a rejection of the proposal and return to status quo.

Rueschemeyer - It has a track record in CT.

Churchill - But we're not in CT.

Rueschemeyer - Three person executive, 50-60 legislative - not that wild, crazy or complicated. Look at Greenwich.

Fricke - See genuine specific advantages to hybrid proposal over existing Town Meeting. Appreciate spirit of compromise. Given our point in process (April) and relative additional advantages of majority proposal, don't support exploring the hybrid.

Stein - Strongly for greater inclusivity than majority council proposal, ready to explore hybrid ideas, didn't expect that it would change minds of the majority. Would have liked to move on it but don't see that happening.

Weiss - Agree with Diana. Point was to offer a model with more citizens involved in power sharing and decision making. Appreciate that majority wants to present new option. For the record, CT does have models that look the hybrid. Branford has 3 person select board, first selectperson as chief executive, board of finance, 30 person representative town meeting with legislative power of the town

Gage - Feel that the hybrid has improved due to discussion - now thinking small council, small legislature. Appreciate that minority has proposed something that town meeting supporting constituents did not imagine we'd propose.

Rueschemeyer - Irv and Nick interested in further exploration?

Rhodes - Distraught by 5-4 split - want something to reflect values of really large slice of the town that's uneasy and uncomfortable with council/mayor

Churchill - What about a council/manager? Does that shuffle votes/interest in a significant way? Would bridge some concerns about mayor. Is it more of a consensus proposal?

Rhodes/Grabbe - yes

Rueschemeyer /Weiss - Never support that - even less appealing than proposal with opportunity for democratic engagement in mayoral context

Stein - Council/manager doesn't address most important concern about inclusivity - willing to think it over though

Grabbe - Strongly for current majority proposal. Majority plan would, however, be hard to sell because people fear the scale of change, expense and concentration of power - so interested in professional manager/council with a weak mayor elected out of council members

Churchill - Not sure interested in council/manager myself - wanted to see what others thought. Not as good as current majority proposal - a mushy executive set up. We were elected by a divided town - so not unreasonable or unexpected that consensus eludes us. Fear the parking garage effect where we come to compromise that satisfies no one. The commission won't contribute much to town government if we don't follow shared values to a functional plan. Unrealistic to think we'd all favor same plan.

Gage - Agree with Rueschemeyer on not supporting council/mayor. Let's take a vote on this later. Want to write up new ideas - we've learned that there are significant weaknesses in town meeting that hybrid proposal could address.

Churchill - Exploring hybrid will add a layer of challenge around timing

Rhodes - Is mayor/council proposal final? We're building a brick house around that idea, but we're not settled on it?

Churchill - Nothing is final until the last vote. Still - it's hard to keep going back and forth between models. At some point we have to make best of a majority proposal.

Rhodes - We need to get that decision done - even if it's 5-4. What's the thinking of the group? Motion for consideration of council/manager system.

Hanneke - Only vote yes if you're willing to push council/manager all the way to September.

Weiss, Gage, Rueschemeyer, Fricke, Stein - No

Rhodes - yes

Hanneke, Churchill, Grabbe - if there's more than 5 others for it, I'd say yes too.

Rhodes - Astonishing

Stein - Really not just 2 choices.

Grabbe - It's an idea that could be worked on.

Public Comment

Maurianne Adams - Process tonight was flawed. Gage didn't have a chance to explain her proposal. Bombarded and interrupted - chair should not have allowed. "Deliberation" in the third bullet was poor word choice - could be improved. Thirteen people cannot be either representative or accountable - would destroy the sense of democracy and participation vital to town. Had previously suggested the bicameral

approach herself - 60 people would be minimal, 90 would be better - more stakeholders sharing power, more points of view - mirrors the wise separation of powers at the federal level.

Walter Wolnik - Please distribute any revisions to hybrid proposal electronically before next meeting.

Hanneke - OML means we cannot distribute in advance - but will put it up electronically as soon as practical.

Agenda Setting. Next Meeting (April 6) - Set aside one hour for hybrid proposal consideration. Remaining 3 hours (with Collins Center) for going on with majority proposal or elements of charter least dependent on decisions related to adopting hybrid.